

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

HEATHER BURKE,

Plaintiff,

v.

No. 16-cv-0470 RJ/SMV

**STATE OF NEW MEXICO,
EDWYN BURCKLE, JAY HONE,
MICHAEL GALLEGOS, ANGELA DAWSON,
BRENDA GUETHS, and KAREN BALTZLEY,**

Defendants.

ORDER GRANTING DEFENDANTS' MOTION TO STAY DISCOVERY

THIS MATTER is before the Court on Defendants' Opposed Motion and Memorandum to Stay Discovery and Initial Disclosures to Compel Statutory Duties of Defendants [Doc. 13], filed July 4, 2016. Defendants request a stay of all proceedings in this matter pending the outcome of their Motion to Dismiss, [Doc. 10]. *Id.* at 5. Plaintiff responded on July 8, 2016. [Doc. 14]. Defendants replied on August 2, 2016. [Doc. 22]. The Court has considered the briefing and the relevant law and, being fully advised in the premises, finds that the motion is well-taken and should be granted.

Fed. R. Civ. P. 16(b)(2) requires the Court to issue a scheduling order "within the earlier of 90 days after any defendant has been served with the complaint or 60 day after any defendant has appeared," unless "the judge finds good cause for delay." A ruling in favor of Defendants' on their pending Motion to Dismiss [Doc. 10] is likely to greatly narrow the issues on which discovery is required. Such a ruling could in fact obviate the need for a scheduling order or discovery altogether. Accordingly, I find good cause to delay issuing a scheduling order until

the presiding judge rules on the Motion to Dismiss. [Doc. 10]. In the interim, if the parties come to an agreement that some limited discovery should proceed, they should contact chambers and request a status conference.

IT IS THEREFORE ORDERED that Defendants' Motion Opposed Motion and Memorandum to Stay Discovery and Initial Disclosures to Compel Statutory Duties of Defendants [Doc. 13] is **GRANTED**. All discovery is stayed pending the resolution of Defendants' Motion to Dismiss [Doc. 10], or until further order of the Court.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge